

State of Wisconsin



2013 Senate Bill 641

Date of enactment: **March 27, 2014**

Date of publication*: **March 28, 2014**

2013 WISCONSIN ACT 151

AN ACT relating to: revising various provisions of the statutes for the purpose of supplying omissions and eliminating defects (Correction Bill).

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The treatment of 14.11 (2) (b) of the statutes by 2013 Wisconsin Act 20 is not repealed by 2013 Wisconsin Act 105. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 14.11 (2) (b) reads:

(b) When special counsel is employed, a contract in writing shall be entered into between the state and such counsel, in which shall be fixed the compensation to be paid such counsel by the state. If the compensation is being determined on a contingent fee basis, the contract is subject to s. 20.9305. The contract shall be executed in behalf of the state by the governor, and shall be filed in the office of the secretary of state. Such compensation shall be charged to the special counsel appropriation in s. 20.505 (1) (d).

SECTION 2. 29.216 (2) of the statutes, as affected by 2013 Wisconsin Act 61, is amended to read:

29.216 (2) **AUTHORIZATION.** The nonresident archer hunting license authorizes the hunting of all game, except bear, elk, wild turkey, and fur-bearing animals, during the open season for the hunting of that game with a bow and arrow.

SECTION 3. The treatment of 29.563 (12) (a) 2. of the statutes by 2013 Wisconsin Act 55 is not repealed by 2013 Wisconsin Act 61. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 29.563 (12) (a) 2. reads:

2. Archer, crossbow, sports, or conservation patron, except as provided in subd. 2m: \$14.25 if deer tags are

included; \$11.25 after open season and deer tags are not included.

SECTION 4. 49.496 (3) (aj) 2. of the statutes, as affected by 2013 Wisconsin Act 92, is repealed and recreated to read:

49.496 (3) (aj) 2. There is a presumption, consistent with s. 766.31, which may be rebutted, that all property in the estate of a nonrecipient surviving spouse was marital property held with the recipient and that 100 percent of the property in the estate of the nonrecipient surviving spouse is subject to the department's claim under par. (a).

SECTION 5. 49.496 (3) (dm) 2. of the statutes, as affected by 2013 Wisconsin Act 92, is repealed and recreated to read:

49.496 (3) (dm) 2. The department shall release the lien in the circumstances described in s. 49.849 (4) (c) 2.

SECTION 6. 60.23 (32) (b) 1. of the statutes, as created by 2013 Wisconsin Acts 50 and 51, is amended to read:

60.23 (32) (b) 1. In this paragraph, "town" means the town of Brookfield in Waukesha County or the town of Somers in Kenosha County.

SECTION 7. 60.23 (32) (d) of the statutes, as created by 2013 Wisconsin Acts 50 and 51, is amended to read:

60.23 (32) (d) If after January 1 a city or village annexes any part of a tax incremental district that is created as provided under par. (b) 2., the department of revenue shall redetermine the tax incremental base of the district by subtracting from the tax incremental base the

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

value of the taxable property that is annexed from the existing district as of the following January 1, and if the annexation becomes effective on January 1 of any year, the redetermination shall be made as of that date. The tax incremental base as redetermined under this paragraph is effective for the purposes of this paragraph and par. (b) only if it is less than the original tax incremental base determined under s. 66.1105 (5) (a).

SECTION 8. 60.85 (5) (d) 2. of the statutes is amended to read:

60.85 (5) (d) 2. If after January 1 a city or village annexes town territory that contains part of a tax incremental district that is created by the town, the department of revenue shall redetermine the tax incremental base of the district by subtracting from the tax incremental base the value of the taxable property that is annexed from the existing district as of the following January 1, and if the annexation becomes effective on January 1 of any year, the redetermination shall be made as of that date. The tax incremental base as redetermined under this subdivision is effective for the purposes of this section only if it is less than the original tax incremental base determined under par. (b).

SECTION 9. 62.233 (2) (b) of the statutes, as created by 2013 Wisconsin Act 80, is amended to read:

62.233 (2) (b) For a city that incorporated after April 30, 1994, under s. 66.0203, 66.0211, 66.0213, or ~~66.025~~ 66.0215, a shoreland that before incorporation as a city was part of a town that was subject to a county shoreland zoning ordinance under s. 59.692.

SECTION 10. 108.02 (4m) of the statutes, as affected by 2013 Wisconsin Act 36, is amended to read:

108.02 (4m) **BASE PERIOD WAGES.** "Base period wages" means all of the following:

(a) All earnings for wage-earning service ~~which that~~ are paid to an employee during his or her base period as a result of employment for an employer except any payment made to or on behalf of an employee or his or her beneficiary under a cafeteria plan within the meaning of 26 USC 125, if the payment would not be treated as wages without regard to that plan and if 26 USC 125 would not treat the payment as constructively received;

(b) All sick pay ~~which that~~ is paid directly by an employer to an employee at the employee's usual rate of pay during his or her base period as a result of employment for an employer;

(c) All holiday, vacation, and termination pay ~~which that~~ is paid to an employee during his or her base period as a result of employment for an employer;

(d) For an employee who, as a result of employment for an employer, receives temporary total disability or temporary partial disability payments under ch. 102 or under any federal law which provides for payments on account of a work-related injury or illness analogous to those provided under ch. 102, all payments that the employee would have been paid during his or her base

period as a result of employment for an employer, but not exceeding the amount that, when combined with other wages, the employee would have earned but for the injury or illness;

(e) Back pay that an employee would have been paid during his or her base period as a result of employment for an employer, if the payment of the back pay is made no later than the end of the 104-week period beginning with the earliest week to which the back pay applies;

(f) All wages that an employer was legally obligated to pay in an employee's base period but failed to pay, or was prohibited from paying as a result of an insolvency proceeding under ch. 128 or as a result of a bankruptcy proceeding under 11 USC 101 et seq.; ~~and~~

SECTION 11. 111.84 (2) (intro.) of the statutes is amended to read:

111.84 (2) (intro.) It is an unfair labor practice for an employee individually or in concert with others:

SECTION 12. 157.115 (2) (e) of the statutes is amended to read:

157.115 (2) (e) If within 60 days after notice is published under par. ~~(e)~~ (d) no owner or assignee contacts the cemetery authority to express an intent to use the abandoned lot for a future burial of human remains, the cemetery authority shall bring an action in the circuit court of the county in which the abandoned lot is located for a judgment that the cemetery lot is an abandoned lot and an order transferring ownership of the abandoned lot to the cemetery authority.

SECTION 13. 196.85 (3) of the statutes is amended to read:

196.85 (3) If any public utility, sewerage system, joint local water authority, or power district is billed under sub. (1), (2), or (2e) and fails to pay the bill within 30 days or fails to file objections to the bill with the commission, as provided in ~~this subsection~~ sub. (4), the commission shall transmit to the secretary of administration a certified copy of the bill, together with notice of failure to pay the bill, and on the same day the commission shall mail by registered mail to the public utility, sewerage system, joint local water authority, or power district a copy of the notice that it has transmitted to the state treasurer. Within 10 days after receipt of the notice and certified copy of the bill, the secretary of administration shall levy the amount stated on the bill to be due, with interest, by distress and sale of any property, including stocks, securities, bank accounts, evidences of debt, and accounts receivable belonging to the delinquent public utility, sewerage system, joint local water authority, or power district. The levy by distress and sale shall be governed by s. 74.10, 1985 stats., except that it shall be made by the secretary of administration and that goods and chattels anywhere within the state may be levied upon.

SECTION 14. 341.10 (6) of the statutes, as affected by 2013 Wisconsin Act 103, is amended to read:

341.10 (6) The vehicle is was manufactured after 1969 and does not meet manufacturer or importer certification label requirements as specified in 49 CFR 567 or the vehicle is a Kei class vehicle. This subsection does not apply to former military vehicles, historic military vehicles, as defined in s. 341.269 (1) (a), for which the department receives an application, and which are eligible, for registration under s. 341.269, or special interest vehicles, as defined in s. 341.266 (1) (c), for which the department receives an application, and which are eligible, for registration under s. 341.266.

SECTION 15. 343.32 (1) (intro.) and (c) of the statutes are consolidated, renumbered 343.32 (1) and amended to read:

343.32 (1) The secretary shall revoke a person's operating privilege whenever ~~one or more of the following conditions exist:~~(c) Notice notice has been received of the conviction of such person in another jurisdiction for an offense therein which, if committed in this state, would have required revocation of such person's operating privilege under this subsection.

SECTION 16. 628.02 (1) (b) 1. to 7m. of the statutes are amended to read:

628.02 (1) (b) 1. A regular salaried officer, employee, or other representative of an insurer or licensed intermediary, other than a risk retention group or risk purchasing group, who devotes substantially all working time to activities other than those in par. (a), and who receives no compensation that is directly dependent upon the amount of insurance business obtained;

2. A regular salaried officer or employee of a person seeking to procure insurance, other than for members of a risk purchasing group, who receives no compensation that is directly dependent upon the amount of insurance coverage procured, with respect to such insurance;

3. A person who gives incidental advice in the normal course of a business or professional activity other than insurance consulting if neither the person nor the person's employer receives compensation directly or indirectly on account of any insurance transaction that results from that advice;

4. A person who without special compensation performs incidental services for another at the other's request without providing advice or technical or professional services of a kind normally provided by an intermediary;

5. A holder of a group insurance policy, or any other person involved in mass marketing, with respect to administrative activities in connection with such a policy, if he or she receives no compensation therefor beyond actual expenses, estimated on a reasonable basis;

6. A person who provides information, advice, or service for the principal purpose of reducing loss or the risk of loss;

7. A person who gives advice or assistance without compensation, direct or indirect;

7m. A person who acts solely as an agent, as defined in s. 616.71 (1); or

SECTION 17. 701.0303 (8) (intro.) of the statutes, a created by 2013 Wisconsin Act 92 is amended to read:

701.0303 (8) (intro.) If there is no representation by a person having a substantially identical interest under s. ~~710.0304~~ 701.0304, the trustee may appoint a representative to act if any of the following applies:

SECTION 18. 701.0808 (7) (title) of the statutes, as created by 2013 Wisconsin Act 92, is repealed.

SECTION 19. 701.1101 of the statutes, as created by 2013 Wisconsin Act 92, is amended to read:

701.1101 Short title and scope. This subchapter may be cited as the Wisconsin Uniform Principal and Income Act. Subject to s. ~~701.1206~~ 701.1205 (2), this subchapter applies to a trust described in s. 701.0102 and an estate that is administered in this state.

SECTION 20. 701.1205 (2) of the statutes, as affected by 2013 Wisconsin Act 92, section 298, is amended to read:

701.1205 (2) Subchapter XI of this chapter applies to a trust or decedent's estate existing on July 1, 2014, and to a trust or decedent's estate created or coming into existence after that date, except as otherwise expressly provided in subch. XI or by the decedent's will or the terms of the trust. With respect to a trust or decedent's estate existing on July 1, 2014, ss. 701.1110 to 701.1135 shall apply at the beginning of the trust's or estate's first accounting period, as defined in s. ~~701.1125 (2) (a)~~ 701.1102 (1), that begins on or after July 1, 2014.

SECTION 21. 708.15 (10) (g) of the statutes, as created by 2013 Wisconsin Act 66, is amended to read:

708.15 (10) (g) Be signed by the satisfaction agent, as provided in ~~par. sub. (9)~~ (am), and contain a form of authentication authorized by s. 706.06 or 706.07.

SECTION 22. 961.01 (20e) of the statutes is renumbered 961.01 (20b).

SECTION 23. 2013 Wisconsin Act 48, section 1 is amended by replacing "vehicle," with "vehicle,".

SECTION 24. 2013 Wisconsin Act 48, section 6 is amended by replacing "Caswell in Oneida" with "Caswell, in Oneida".

SECTION 25. 2013 Wisconsin Act 75, section 5 is amended by replacing "95.60 (2) (a) (intro.)" with "95.60 (2) (a)" in 2 places.

SECTION 26. 2013 Wisconsin Act 92, section 267 is amended by replacing "In this paragraph "plan" with "In this paragraph, "plan".

SECTION 27. Renumbering and cross-reference changes under s. 13.92 (1) (bm) 2., stats. Each statute listed in column A was renumbered to the statute number in column B, and cross-references to the renumbered statute were changed in the statutes listed in column C to agree with the renumbered statute, under section 13.92 (1) (bm) 2. of the statutes:

A Statute Renumbered	B New Statute Number	C Statutes in Which Cross-References are Changed
29.216 (3) (a) (title), as affected by 2013 Wis. Act 61	29.216 (3) (title)	none
30.208 (5) (c) 1. and 2.	30.208 (5) (c) 1m. a. and b.	none
49.163 (2) (a) 1. to 6., as created by 2013 Wis. Act 20	49.163 (2) (am) 1. to 6.	none
281.36 (3p) (d) 1. and 2.	281.36 (3p) (d) 1m. a. and b.	none
701.1114, as affected by 2013 Wis. Act 92, section 255	701.1114 (1)	none
701.20 (9) (title), (b) and (c)	701.1114 (title), (2) and (3)	none

SECTION 28. Corrections of obvious nonsubstantive errors under s. 35.17 (2), stats. In the sections of the statutes listed in Column A, the text shown in Column B was changed to the text shown in column C to correct obvious nonsubstantive errors under s. 35.17 (2) of the statutes:

A Statute Affected	B Erroneous text	C Corrected text
49.849 (5r) (a), as created by 2013 Wis. Act 20	division of hearing and appeals	division of hearings and appeals
74.30 (1) (f), as affected by 2013 Wis. Act 81	(2) (b). (bm), and (bp)	(2) (b), (bm), and (bp)
101.02 (21) (a), as affected by 2013 Wis. Act 20	s., 101.122 (2) (c),	s. 101.122 (2) (c),
101.02 (24) (a) 2., as affected by 2013 Wis. Act 20	s., 101.122 (2) (c),	s. 101.122 (2) (c),
118.134 (1) (b), as affected by 2013 Wis. Act 115	division of hearing and appeals	division of hearings and appeals
157.06 (11) (c) (intro.)	under (a) 1. to 4.	under par. (a) 1. to 4.
227.01 (13) (zz), as created by 2013 Wis. Act 52	551.202 (26) (c) 1. a. and 1. b. and (27) (c) 1. a. and 1. b.	551.202 (26) (c) 1. a. and b. and (27) (c) 1. a. and b.
281.31 (2) (e), as affected by 2013 Wis. Act 80	62.23 (7) 62.231, and 62.233	62.23 (7), 62.231, and 62.233
285.27 (3m) (b) (intro.) and (c), as created by 2013 Wis. Act 91	NR 428.04	s. NR 428.04
323.81 (7), as created by 2013 Wis. Act 97	welfare, transportation and communications	welfare, transportation, and communications

448.60 (1)	the s podiatry	the podiatry
551.202 (26) (c) 2., as created by 2013 Wis. Act 52	subd. 1. a. and 1. b.	subd. 1. a. and b.
551.202 (27) (c) 2., as created by 2013 Wis. Act 52	subd. 1. a. and 1. b.	subd. 1. a. and b.
551.206, as created by 2013 Wis. Act 52	551.202 (26) (c) 1. a. and 1. b. and (27) (c) 1. a. and 1. b.	551.202 (26) (c) 1. a. and b. and (27) (c) 1. a. and b.
701.0105 (2) (g), as created by 2013 Wis. Act 92	directing party's or trust protector's	directing party's, or trust protector's
701.1013 (8), as created by 2013 Wis. Act 92	expenses, reasonable attorney fees and damages	expenses, reasonable attorney fees, and damages
905.03 (5) (b) (intro.), as created by Supreme Court Order 12-03	sub. (a)	par. (a)

SECTION 29. Initial applicability.

(1) ESTATE RECOVERY CHANGES. The treatment of section 49.496 (3) (aj) 2. and (dm) 2. of the statutes first applies to the recovery of public assistance, as defined in section 49.849 (1) (e) of the statutes, provided to individuals who die on October 1, 2013.

SECTION 30. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 701.0303 (8) (intro.), 701.0808 (7) (title), 701.1101, and 701.1205 (2) of the statutes takes effect on July 1, 2014.

(2) The treatment of section 341.10 (6) of the statutes takes effect on March 1, 2014, or on the day after publication, whichever is later.